

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

CHERYL COMPTON, et al.,)	
)	
Plaintiffs,)	
)	Cause No. 4:11CV01975 CEJ
v.)	
)	
ST. LOUIS METROPOLITAN POLICE)	
DEPARTMENT, et al.,)	
)	
Defendants.)	

**MOTION OF DEFENDANTS ST. LOUIS METROPOLITAN POLICE DEPARTMENT,
BOARD OF POLICE COMMISSIONERS OF THE ST. LOUIS METROPOLITAN
POLICE DEPARTMENT, RICHARD GRAY, JERRY LEE, BETTYE-BATTLE
TURNER, THOMAS IRWIN AND FRANCIS SLAY TO COMPEL**

Come now Defendants St. Louis Metropolitan Police Department; Board of Police Commissioners of the St. Louis Metropolitan Police Department; Richard Gray, Jerry Lee, Bettye-Battle Turner, Thomas Irwin¹, and Francis Slay, in their official capacities as the Board of Police Commissioners of the St. Louis Metropolitan Police Department (hereinafter referred to collectively as “Police Defendants”) and, pursuant to Rule 37(3)(B)(iii) of the Federal Rules of Civil Procedure and E.D. Mo. L.R. 37-3.04, move for an order compelling each and every Plaintiff² herein to answer Interrogatories propounded by Defendants, and in support thereof state as follows:

1. Pursuant to Rule 33, Police Defendants propounded Interrogatories to each

¹ Identified in the First Amended Complaint as “Thomas Irvin.”

² Plaintiffs are identified as follows: Brett Alexander; Jordan Bolden; Ryan Burrus; Cheryl Compton; Donald Griffith; John Harris; Steven Hill; Adam Kahn; Jim Kohr; Diane Lee; Steven Tray Lott; Jonathan McFarland; Johnny Medina; Kaare Melby; John Mills; Jung Moon; Keith William Rose; Alex Shoenstein; Casey Smith; William Smith; Brian Alan Staak; Bradley Veltre; and Frederick Vickers.

Plaintiff herein on July 5, 2012, for answer within thirty (30) days. Copies of said Interrogatories were sent to all attorneys of record via United States Mail, first-class postage prepaid.

2. More than thirty (30) days have passed since said Interrogatories were propounded and sent to Plaintiffs, without answers or other responses thereto from any Plaintiff.

3. On August 6, 2012, counsel for Police Defendants received an e-mail message from counsel for Defendant City of St. Louis, which was directed to all counsel of record, including all counsel for Plaintiffs, attempting to schedule a conference call among the parties on August 9, 2012 to discuss the outstanding Interrogatories from Defendant City of St. Louis and from Police Defendants to each and every Plaintiff in an attempt to resolve a discovery matter.

4. Relying on the representations of counsel for Defendant City of St. Louis, counsel for Police Defendants indicated their willingness to participate in the conference call proposed for August 9, 2012.

5. No conference call among all counsel took place on August 9, 2012, despite counsel for all Defendants indicating their willingness to participate; in speaking with counsel for Defendant City of St. Louis, counsel for Police Defendants learned that none of Plaintiffs' counsel had ever responded to the e-mail sent or otherwise communicated a willingness to confer regarding the outstanding discovery.

6. On August 14, 2012, between the hours of 11:00 a.m. and 11:30 a.m., counsel for Police Defendants left a voicemail message for Plaintiff's counsel Timothy Hogan; left a voicemail message for Plaintiff's counsel Joseph Welch; left a verbal message with a person in the office of Plaintiff's counsel Maggie Ellinger-Locke; and phoned Plaintiff's counsel Cynthia West, but was unable to leave a voicemail message; all of the foregoing communications were

done in an attempt to resolve a discovery matter.

7. As of the filing of this Motion, counsel for Police Defendants has not received a communication from any of the aforementioned Plaintiffs' counsel.

8. Pursuant to the Case Management Order entered in this action on January 13, 2012, the parties shall complete all discovery in this case no later than August 15, 2012.

9. Police Defendants have been, and will be, prejudiced by each Plaintiff's refusal to answer Interrogatories propounded to them.

WHEREFORE, Police Defendants pray for an Order from the Court compelling Plaintiffs, and each of them, to respond, without objection except as to privilege, to the Interrogatories propounded by Police Defendants on July 5, 2012, within seven (7) days of such Order, and for such other and further relief as the Court deems fair and equitable under the premises.

BOARD OF POLICE COMMISSIONERS
OF THE CITY OF ST. LOUIS

/s/ Mark Lawson

Mark Lawson #33337MO
General Counsel
Jennifer Chestnut Strada #51503MO
Assistant General Counsel
Attorney for Police Defendants
1200 Clark Ave., Room 609
St. Louis, MO 63103
Phone: (314) 444-5609 Fax: (314) 444-5611

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing was filed electronically with the Clerk of the Court on August 14, 2012, to be served by operation of the Court's electronic filing system upon all attorneys of record.

/s/ Mark Lawson